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<u>REMARKS</u>

Applicants respectfully traverse the rejection of claims 1-24 under 35 U.S.C. 103(a) as being unpatentable over the combination of of Pickover (US5,740,390) in view of Flock (US6,160,539).

The Pickover Patent is Owned by the Assignee of the Present Application, and Thus Can Not Preclude Patentability Under 35 U.S.C. 103(c).

The present Application and the Pickover Patent reference were commonly owned by International Business Machines Corporation, the Assignee herein at the time the invention of the present Application was made.

The file of the present Application indicates that an Assignment of the present Application to said Assignee is filed in the Patent Office. Also the printed Pickover Patent indicates that it is assigned to the same Assignee.

Since the present Application has a filing date after November 29, 1999, and the Pickover Patent would qualify as prior art under the provisions of 35 U.S.C. 102(e), it is submitted that the Pickover patent can not be used to preclude patentability based upon 35 U.S.C. 103(c). [Examiner's attention is directed to MPEP Sections 706.02(1); (1)(1); (1)(2); and (1)(3).]

Accordingly, Examiner is respectfully requested to withdraw Pickover as a reference.

In any event, Applicants will hereinafter present their argument traversing the rejection of claims 1-24 under 35 U.S.C. 103(a) as being unpatentable over the combination of the Pickover(US5,740300) in view of Fleck (US6,160,539). In this connection, Applicants thank Examiner for the telephone interview extended to their attorney, J. B. Kraft on April 21, 2004. As Applicants explained in that interview, while

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the Pickover reference considers the problem to which the present invention is directed, it offers a solution completely different from that of the present invention. Actually the Pickover solution would lead away from the solution of the present invention. In addition, there is no suggestion in either reference which would lead one skilled in the art to try to combine the teachings of Pickover and Fleck for any purpose. Thus, any suggestion that the two references may be combined as proposed by the Examiner does not come from either reference, but can only be made in the light of Applicants' own teaching. This has been established to be an improper basis for a combination of references under 35 U.S.C. 103.

The present invention addresses the problem of interactively accessing and selecting icons and like items from display screen areas crowded with a high density of icons or like items. The number of icons that the user has to contend with in the navigation of his cursor to his target icon has been increasing greatly. These icons may be arranged in many layers of windows. In certain portions of the users' display screen, there may be dense populations of icons. The icons may overlap or be stacked one on the other. In addition, users are extensively using laptop computers and palm-type devices, including Personal Digital Assistants (PDAs) and cell phone displays to supplement their desktops. Thus, the desktop displays need to be replicated on these smaller screen devices to thereby make the icons even more closely spaced. The selection of icons or like items from crowded screen areas presents a problem.

Both the present invention and the basic Pickover are concerned with how an on-screen pointer, e.g. cursor may access a selected icon on a screen crowded with icon. Both Pickover and the present invention recognize that there

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should be minimum clearance distances between adjacent icons in order for them to be selectable by a pointer or cursor.

However that is all Pickover has in common with present invention. The solution of the present invention is completely different from that of Pickover. The present invention set a minimum clearance factor between icons for the pointer or cursor being used. Then, if it is determined that the minimum clearance does not exist, the size of the cursor is reduced to a size which has a lower clearance factor i.e. the reduced cursor will not need as much room between icons in order to access a selected icon.

The Pickover solution is very different. It provides a system which predicts which of the icons are most likely to be selected, and then withdraws or isolates these most likely icons near the cursor in a display screen area which is sufficiently roomy to permit distances between icons beyond the minimums required for cursor selections. Other than dealing with the minimum clearance problem, there is nothing in Pickover which could suggest any modification to Applicants' shrink the cursor to achieve minimum clearance solution.

To make up for this very substantial deficiency in Pickover, the Examiner looks to the Fleck patent. However, Fleck relates to a very different technology i.e. data entry on a display screen through a touch sensitive data entry tablet. Fleck is not concerned with the use of a cursor to make selections among crowds of icons with less than minimal clearances between icons. Fleck's touch sensitive entry tablet has a menu of functions which the user may select via stylus. Then dependent on the menu function selected, the resulting on-screen cursor will have a varying image distinguished by the stylus selected function. Applicants fail to understand the proposed connection to the

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disclosure of Pickover, all that would result would be cursors of different images, related to their functions, being used to make selections from among a set of "most likely to be selected" icons drawn towards the cursor. This is clearly not the present invention.

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In view of the foregoing, it is submitted that claims 1-24 are in condition for allowance, and such allowance is respectfully requested.

Respectfully submitted,

J. B. Kraft   5/4/04
Attorney for Applicants
Registration No. 19,226
(512) 473-2303

PLEASE MAIL ALL CORRESPONDENCE TO:

Diana L. Roberts
IPLaw Dept. - IMAD 4054
IBM Corporation
11400 Burnet Road
Austin, Texas 78758

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